

**BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: April 21, 2016

TIME: 9:00 AM CST

LOCATION: Poplar Conference Room  
665 Mainstream Drive, 1<sup>st</sup> Floor  
Nashville, TN 37243

MEMBERS PRESENT: Chris Alexander, D.C., President  
Richard Cole, D.C., Board Member  
Andrea Selby, D.C., Board Member  
Cole Hosenfeld, D.C., Board Member  
Sheila Fitzgerald, Consumer Member, Secretary

MEMBERS ABSENT: Joseph Amato, D.C., Board Member  
Nancy Strawn, Consumer Member

STAFF PRESENT: Lakita Taylor, Unit Manager  
Zandra Pickett, Board Administrator  
Mark Cole, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations  
Antoinette Welch, Director of Office of Investigations

STAFF ABSENT: Michael Sobowale, Unit Director

GUESTS: Tiffany Stevens, Executive Director, TCA  
John Williams, JD, TCA

**Call to Order**

With a quorum present, Dr. Alexander called the meeting to order at 9:20 AM.

**Minutes**

After a review of the minutes from the January 28, 2016 meeting Dr. Cole made a motion, seconded by Dr. Hosenfeld, to accept the minutes as presented. The motion carried.

**Office of General Counsel Report**

Mark Cole, Assistant General Counsel, reported there were 18 open disciplinary cases on 13 chiropractors. Mr. Cole provided an update on the status of the rule changes approved at the December 18, 2015 rulemaking hearing. He reported the rules are currently in process with the Attorney General's Office. Mr. Cole informed the board that there is no legislation affecting the

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board currently; however, chiropractic x-ray technologists could possibly be affected by House Bill 993, which proposes the establishment of a radiography board.

### **Consent Order – William L. Hendon, DC**

Mark Cole, Assistant General Counsel, presented the Consent Order of William L. Hendon, DC. Dr. Hendon was assessed eight (8) Type C Civil Penalties in the amount of one hundred dollars (\$100.00) each, for a total of eight hundred dollars (\$800.00) for working on a lapsed license. Upon discussion, Ms. Fitzgerald made a motion, seconded by Dr. Selby, to accept the Consent Order as presented. The motion carried.

### **Agreed Order – Bobby Lee Myers, II, DC**

Mark Cole, Assistant General Counsel, presented the Agreed Order of Bobby Lee Myers, II, DC. Dr. Myers was assessed six (6) Type B Civil Penalties in the amount of five hundred dollars (\$500.00) each, for a total of three thousand dollars (\$3000.00) for solicitation of patients and billing approximately six (6) patients for chiropractic adjustments that were not performed. Upon discussion, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to accept the Agreed Order as presented. The motion carried.

### **Investigative and Disciplinary Reports**

Antoinette Welch, Director of Investigations, presented the investigative and disciplinary reports. She reported the Office of Investigations has received 21 open complaint cases for the Board of Chiropractic Examiners to-date. Ms. Welch stated 13 of those cases were received during the month of April. She reported 15 cases have been closed. Of the fifteen, 4 were transferred to the Office of General Counsel, 8 were closed, and 3 were closed with a letter of warning. Ms. Welch reported 34 complaint cases are currently open in the Office of Investigations for chiropractic examiners.

Ms. Welch provided an explanation of chiropractic cases received by the Office of Investigations for FY2013. She reported the Office of Investigations had a total of 181 open cases at the beginning of FY2013, with an additional 37 complaints received during that time. Ms. Welch reported 50 cases were closed; leaving 131 open complaint cases. She reported for FY2014, the Office of Investigations had 131 open complaint cases; received an additional 52 new complaints; closed 85 cases; and ended the year with 43 open complaint cases.

Ms. Welch stated the nature of the majority of complaints the office has received is pertaining to improper advertising and insufficient continuing education hours. Mr. Cole provided information regarding the case review process and how complaints are closed.

### **Financial Report**

Ms. Vanessa Crutcher, Division Financial Officer, presented the Board's year-end closing for FY2015 and discussed a breakdown of the Board's expenses. Ms. Crutcher explained the allocated expenditures for administration, investigations, legal, and the cash office. She reported

the total allocated expenditures were \$134,955.65 and total expenditures were \$203,916.27. Ms. Crutcher stated the Board fee revenue was \$195,347.30; leaving a deficit of \$8,568.97 for the current year net. She stated the fees associated with investigations and legal costs contributed to the increase in expenditures. Ms. Crutcher suggested the Board consider a fee increase should the numbers continue to inflate. She reported that projections will be provided at the next meeting. Additional information regarding the collection of penalties and costs associated with processing legal cases was also discussed.

### **Lapsed License Policy**

Mark Cole, Assistant General Counsel, presented the Board with updated lapsed license policies for DCs, CTAs, and CXTs. The Board engaged in a lengthy discussion regarding renewal notices, professional privilege tax requirements, and the reinstatement and investigative processes. Mr. Cole stated the penalty in the previous policy for chiropractic physicians, adopted at the January 28, 2016 meeting, was excessive and proposed a new fee of \$500. Due to licensees being penalized under the current policy with the excessive fee, Mr. Cole recommended adoption of the new policy and fee to be retroactive to January 28, 2016. Upon discussion, Dr. Hosenfeld made a motion, seconded by Dr. Cole, to approve the policy as amended. The motion carried.

Upon discussion of a new penalty of \$100 per month of lapsed license practice for CTAs and CXTs, Dr. Hosenfeld made a motion, seconded by Dr. Selby to approve the policy as amended. The motion carried.

### **Applicant Interview/Review**

**Alison Daniel, CTA** – Ms. Daniel is seeking initial licensure as a Chiropractic Therapy Assistant. The Board reviewed her file due to her exam score being more than two (2) years old. Ms. Daniel was not present to address the Board. Upon review and discussion, Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve Ms. Daniel for licensure. The motion carried.

**Joshua Bamfield, CTA** – Mr. Bamfield is seeking initial licensure as a Chiropractic Therapy Assistant. The Board reviewed his file due to multiple convictions on his criminal background check. Mr. Bamfield was not present to address the Board. Upon review and discussion, Ms. Fitzgerald made a motion, seconded by Dr. Cole, to approve Mr. Bamfield for licensure. The motion carried.

### **Ratifications**

Upon discussion of the approval process and method of reporting practitioners approved for participation in an externship, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve the following lists of new licensees, externships, reinstatements, and acupuncture qualifiers for ratification:

**INITIAL LICENSES**

Chiropractic Physicians – 24

BEAUCHAMP GREGORY	JONES DANIELLE	PAUL JULIE
BROWN RICKY	JOYCE ANDREW	RAS KRISTEN
CRANFORD LEE JR.	KEES ROSS	SAKHAI ALI
CROW GINA MARIE	KEMPTON KATHLEEN	SIPES BLAIR
DAVARI MEHRTASH	LEE REBECCA	SMITH MATTHEW JR.
FRANCESCHI ELDY	LENSGRAF BENJAMIN	SMITH MONICA
GUESS BRYAN	MANSOLF CHRISTOPHER	SPEHAR ANDREW
HOGAN CHARLES	MCGOWAN LATOIA	WESTBROOK NICOLE

Chiropractic Therapy Assistants – 12

BLACK ELIZABETH	CUTSHAW JENNIFER	LAFFOON SONYA
BUNTING ALICIA	HANSEN GLORIA	MITCHELL RACHEL
BURWELL EVELYN	HUGHES DAVREEKA	POSADA SHANNON
CHILTON JESSICA	JENKINS COREY	TAYLOR KENYA

Chiropractic X-Ray Technologists – 2

BOYD FRANKIE	GILLILAND ERICA
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**EXTERNSHIP LICENSES**

Chiropractic Physicians – 2

EDGE MARK	FARRIS DALE
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**REINSTATEMENTS**

Chiropractic Physicians – 5

BURNETT CLETIS J	MESSIMER JAMES	VADEN CHARLES
STANFIELD PERCY J	SULACK MICHAEL D	

Chiropractic Therapy Assistants – 3

ECHOLS ANGELA	MOGHADDAM TIFFANY	CHILDRESS DONNA
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Chiropractic X-Ray Technologists – 1

ECHOLS ANGELA

**ACUPUNCTURE QUALIFIERS**

Chiropractic Physicians – 19

ARSTIKAITIS AUDRA  
 BROWN MELISSA  
 CLIFFORD RICKEY  
 CRAIG ELIZABETH  
 CRYSTAL REJEANA  
 DEARING JUSTIN  
 ELLEN JOE

ELSON SAIRA  
 HULME JASON  
 JENKINS BRANDON  
 KIRK MIKE  
 LEE REYA  
 MCLAUGHLIN WESLEY  
 MEAD KATHRYN

MEADOWS SHEILA  
 OBERSTEADT HENRY  
 SAIA CHRISTINA  
 TANKERSLEY CRAIG  
 WATKINS JAMES

The motion carried.

**Administrative Report**

Ms. Pickett, Board Administrator, presented the administrative report. As of April 6, 2016, there were 1153 active Chiropractic Physicians, 451 Chiropractic Therapy Assistants, and 111 Chiropractic X-Ray Technologists.

Statistical Report

LICENSURE STATUS TOTALS FOR THE MONTHS OF  
 JANUARY 14, 2016 THROUGH APRIL 6, 2016

<b>Chiropractic Physician</b>	
New Applications Received - 37	
New Licenses Issued – 24	Renewal Total – 125
Reinstatements – 5	Online Renewals – 74
Licenses Retired – 12	Paper Renewals – 51
Failed to Renew/Expired – 6	
<b>Chiropractic Therapy Assistant</b>	
New Applications Received – 25	
New Licenses Issued – 12	Renewal Total – 36
Reinstatements – 3	Online Renewals – 25
Licenses Retired – 6	Paper Renewals – 11
Failed to Renew/Expired – 7	
<b>Chiropractic X-Ray Technologist</b>	
New Applications Received – 6	
New Licenses Issued – 2	Renewal Total – 6
Reinstatements – 1	Online Renewals – 5
Licenses Retired – 2	Paper Renewals – 1
Failed to Renew/Expired – 8	

For this reporting period, online renewals for Chiropractic Physicians constituted a usage rate of 59 %. For Chiropractic Therapy Assistants, the usage rate is 69 %, and for Chiropractic X-Ray Technologists, the usage rate is less than 83 %.

### TSAC Suspensions

Between January 28, 2016 and April 21, 2016, the administrative office received the following orders of default on student loans:

Chiropractic Physician (DC) – 0  
Chiropractic Therapy Assistant (CTA) – 1  
Chiropractic X-Ray Technologist (CXT) – 0

### TSAC Suspensions Terminated

Between January 28, 2016 and April 21, 2016, the administrative office received the following orders to terminate suspension for default on student loans:

Chiropractic Physician (DC) – 2  
Chiropractic Therapy Assistant (CTA) – 0  
Chiropractic X-Ray Technologist (CXT) – 0

### Child Support Suspensions

There were no orders to suspend or suspension terminations to report for default on child support orders.

### 2015 CE Audit Results

Ms. Taylor reported the following results for the 2015 continuing education audit:

	# Active Licenses	# CE Submissions	# Compliant	# Non-Compliant
DC	1141	963	892	167
CTA	446	371	349	97
CXT	110	92	71	21
Total	1697	1426	1312	285

The above numbers constitute a compliance rate of 78% for Chiropractic Physicians, 78% for Chiropractic Therapy Assistants, and 65% for Chiropractic X-Ray Technologists. The total rate of compliance for the profession is 77%.

### 2017 Board Meeting Date Change

Upon discussion, the Board agreed to change the November 2017 meeting from November 30, 2017 to November 9, 2017.

## 2016 Conferences

Upon discussion, Dr. Cole made a motion, seconded by Ms. Fitzgerald, to approve Board members to attend 2016 conferences as follows:

- All Board members to attend the 2016 District Meeting on September 15-18, 2016, in Nashville, TN.
- Dr. Amato to attend the 2016 Annual Educational Conference (CLEAR) on September 15-17 2016, in Portland, OR.
- Dr. Alexander to attend the Part IV Test Committee Meeting on June 10-11, 2016, in Denver, CO.

The motion carried.

## Agreed Citations

**Angela Echols, CTA #843 and CXT #658** – Ms. Taylor presented Agreed Citations for Angela Echols, CTA/CXT. Ms. Echols practiced on lapsed licenses for six (6) months. She agreed to pay civil penalties in the amount of \$250.00 for working on each lapsed license. Upon review by the Board, Dr. Cole made a motion, seconded by Dr. Hosenfeld, to approve the Agreed Citations for Angela Echols, CTA #843 and CXT #658. The motion carried.

## Correspondence Review

**Derek Myers, DC**, submitted a letter requesting the addition of Mild Hyperbaric Therapy to the scope of practice for Chiropractic Physicians. Mr. Cole recommended delaying a decision until the new rules are approved. Upon discussion, Dr. Cole made a motion, seconded by Dr. Selby, to approve the request based on this type of therapy aligning with the scope of practice which has been outlined in the pending amended rules. The motion carried.

**Vickie Martinez, CTA**, submitted a letter requesting an extension to complete the required 1200 internship hours for CTA certification. Upon discussion, Dr. Cole made a motion, seconded by Dr. Selby, to grant Ms. Martinez a twelve (12) month extension to complete the 1200 internship hours. The motion carried.

**Angie Murphy, CXT**, submitted a letter requesting a second extension to complete the required continuing education hours for the 2015 calendar year. Upon discussion, Dr. Cole made a motion, seconded by Ms. Fitzgerald, to grant Ms. Murphy an extension to complete her 2015 continuing education by August 31, 2016. The motion carried.

**Cletis Burnett, DC**, submitted a letter requesting the board to discipline his license under the old lapsed license policy and to refund the difference in civil penalties. Upon discussion and review,

Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to approve Dr. Burnett's request to be disciplined under the old policy and to refund the difference in civil penalties. The motion carried.

**Audrey Springer, CTA/CXT**, submitted a letter requesting a waiver of the twelve (12) month requirement to obtain certification upon the completion of internship hours. Upon discussion and review, Ms. Fitzgerald made a motion, seconded by Dr. Cole, to grant Ms. Springer ninety (90) days to complete her application for certification as a CTA and CXT. The motion carried.

### **Discussion of House Bill 993**

Mr. Cole informed the Board that as it currently stands, the Board of Chiropractic Examiners is currently unaffected by House Bill 993, which establishes a board for the purpose of the issuance of limited radiography certifications and full radiologic imaging and radiation therapy licenses.

### **Discussion of CTA/CXT Rule Amendments**

Dr. Cole stated that legislation is currently pending that may affect CXTs and requested to defer discussion on the CTA/CXT rule amendments until the next board meeting.

### **Dual License Report for CTAs and CXTs**

Ms. Taylor presented a report of Chiropractic X-Ray Technologists who are licensed in multiple disciplines. She reported of the 112 CXTs, 90 also are licensed as a CTA or hold a license in another profession. Ms. Taylor explained the "birthday rule", which determines the expiration of practitioners. She also provided information regarding research findings within the division on dual licensure methods.

### **D.O.T. Issue**

There was no discussion on this issue.

### **Social Media Policy**

There was no discussion on this issue.

### **Adjournment**

There being no other business, the meeting adjourned at 12:04 pm.

**These minutes were ratified by the Board on July 21, 2016.**